

**LOWENSTEIN SANDLER PC**

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*Attorneys for Defendant*

*Bankrate, Inc.*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

BANXCORP,

Plaintiff,

vs.

BANKRATE, INC.,

Defendant.

Civil Action No. 07-3398

Hon. Kevin McNulty, U.S.D.J.

Motion Returnable: Oct. 1, 2012

**NOTICE OF MOTION TO  
DISMISS PORTIONS OF THE  
SIXTH AMENDED  
COMPLAINT**

Oral Argument Requested

**PLEASE TAKE NOTICE** that on October 1, 2012 at 10:00 a.m., or as soon thereafter as counsel may be heard, the undersigned attorneys for Defendant Bankrate, Inc. shall move before the Honorable Kevin McNulty, U.S.D.J., for an entry of an Order granting Defendant's Motion to Dismiss Portions of the Sixth Amended Complaint (the "Motion").

**PLEASE TAKE FURTHER NOTICE** that in support of its Motion, Defendants shall rely on the enclosed Brief in support of the Motion, the Declaration of R. Scott Thompson, Esq. (with exhibits) and any reply brief to be submitted.

**PLEASE TAKE FURTHER NOTICE** that Defendant requests oral argument if opposition to this motion is submitted.

**PLEASE TAKE FURTHER NOTICE** that a proposed form of Order is submitted herewith.

/s/ R. Scott Thompson

R. Scott Thompson

**LOWENSTEIN SANDLER PC**

*Attorneys for Defendant Bankrate, Inc.*

Dated: September 7, 2012